

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke  
Probation Against:

**LAUREL S. GALLETCH  
15035 Edgemoor Street  
San Leandro, CA 94579-1627**

**Registered Nurse License No. 302227**

RESPONDENT

Case No. 2012-193

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about October 11, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Petition to Revoke Probation No. 2012-193 against Laurel S. Galletch (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about March 31, 1979, the Board of Registered Nursing (Board) issued Registered Nurse License No. 302227 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on October 31, 2012 and has not been renewed.

3. On or about October 11, 2012, Respondent was served by Certified and First Class Mail copies of the Petition to Revoke Probation No. 2012-193, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

15035 Edgemoor Street

San Leandro, CA 94579-1627.

1           4.     Service of the Petition to Revoke Probation was effective as a matter of law under the  
2 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
3 Code section 124.

4           5.     On or about October 26, 2012, the signed Certified Mail Receipt was returned to our  
5 office indicating a delivery date of October 16, 2012.

6           6.     Business and Professions Code section 2764 states:

7                 The lapsing or suspension of a license by operation of law or by order or decision of  
8 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
9 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
10 against such license, or to render a decision suspending or revoking such license.

11          7.     Government Code section 11506 states, in pertinent part:

12                 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
13 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
14 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
15 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

16          8.     Respondent failed to file a Notice of Defense within 15 days after service of  
17 the Petition to Revoke Probation upon her, and therefore waived her right to a hearing on the  
18 merits of Petition to Revoke Probation No. 2012-193.

19          9.     California Government Code section 11520 states, in pertinent part:

20                 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
21 agency may take action based upon the respondent's express admissions or upon other evidence  
22 and affidavits may be used as evidence without any notice to respondent.

23          10.    Pursuant to its authority under Government Code section 11520, the Board after  
24 having reviewed the proof of service dated October 11, 2012, signed by Brent Farrand, finds  
25 Respondent is in default. The Board will take action without further hearing and, based on  
26 Petition to Revoke Probation No. 2012-193 and the documents contained in Default Decision  
27 Investigatory Evidence Packet in this matter which includes:  
28

Exhibit 1: Pleadings offered for jurisdictional purposes; Petition to Revoke Probation No. 2012-193, Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail receipt or copy of returned mail envelopes;

Exhibit 2: License History Certification for Laurel S. Galletch, Registered Nurse License No. 302227;

Exhibit 3: Affidavit of John Knowles;

Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of Case No. 2012-193.

The Board finds that the charges and allegations in Petition to Revoke Probation No. 2012-193 are separately and severally true and correct by clear and convincing evidence.

11. Taking official notice of Certification of Board Costs and the Declaration of Costs by the Office of the Attorney General contained in the Default Decision Investigatory Evidence Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement in connection with the Petition to Revoke Probation are \$690.00 as of December 28, 2012.

//

//

//

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Laurel S. Galletch has subjected her following license(s) to discipline:

a. Registered Nurse License No. 302227

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Petition to Revoke Probation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Condition of Probation No. 2 - Comply with the Board's Probation Program

b. Violation of Condition of Probation No. 3 - Report in person

//

//

//

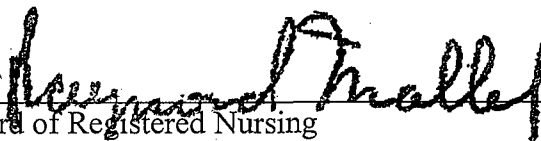
ORDER

IT IS SO ORDERED that Registered Nurse License No. 302227, heretofore issued to Respondent Laurel S. Galletch, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on APRIL 11, 2013.

It is so ORDERED MARCH 12, 2013

  
\_\_\_\_\_  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Petition to Revoke Probation No. 2012-193

# Exhibit A

Petition to Revoke Probation No. 2012-193

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES  
Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 E-mail: kim.settles@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
12 Probation Against:

Case No. 2012-193

**PETITION TO REVOKE PROBATION**

13 **LAUREL S. GALLETTCH**  
14 **15035 Edgemoor Street**  
**San Leandro, CA 94579-1627**  
15 **Registered Nurse License No. 302227**

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about March 31, 1979, the Board of Registered Nursing issued Registered  
23 Nurse License Number 302227 to Laurel S. Galletch (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought in this Accusation  
25 and will expire on October 31, 2012, unless renewed.

26 3. In a disciplinary action entitled, *In the Matter of the Accusation Against Laurel S.*  
27 *Galletch*, Case No. 2012-193, the Board of Registered Nursing issued a decision effective June 1,  
28 2012, in which the Board revoked Respondent's registered nurse license. However, the order of

1 revocation was stayed and Respondent was placed on probation for three (3) years with certain  
2 terms and conditions. A copy of that decision is attached as exhibit A and is incorporated by  
3 reference.

#### 4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board of Registered Nursing  
6 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
7 references are to the Business and Professions Code ("Code") unless otherwise indicated.

8 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
9 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
10 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
11 Nursing Practice Act.

12 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
14 licensee or to render a decision imposing discipline on the license.

15 7. Section 118, subdivision (b), of the Code provides that the expiration of a license  
16 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
17 within which the license may be renewed, restored, reissued or reinstated.

#### 18 FIRST CAUSE TO REVOKE PROBATION

##### 19 (Failure to Report in Person)

20 8. At all times after the effective date of Respondent's probation, Condition 3 stated that  
21 Respondent, during the period of probation, shall appear in person at interviews/meetings as  
22 directed by the Board or its designated representatives. Grounds exist for revoking the probation  
23 and for imposing the revocation penalty that was stated because Respondent failed to report in  
24 person for scheduled meetings on June 12, 2012 and July 3, 2012.

#### 25 SECOND CAUSE TO REVOKE PROBATION

##### 26 (Failure to Comply with Board's Probation Program)

27 9. At all times after the effective date of Respondent's probation, Condition 2 stated that  
28 Respondent shall fully comply with the conditions of the probation program established by the




1 Board and cooperate with the representatives of the Board in its monitoring and investigation of  
2 Respondent's compliance with the Board's probation program. Grounds exist for revoking the  
3 probation and for imposing the revocation penalty that was stated because Respondent failed to  
4 comply with the terms and conditions of her probation, as set forth in paragraph 6, above.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
7 Petition to Revoke Probation, and that following the hearing, the Board of Registered Nursing  
8 issue a decision:

- 9 1. Revoking the probation that was granted by the Board of Registered Nursing in Case  
10 No. 2012-193 and imposing the disciplinary order that was stayed thereby revoking Registered  
11 Nurse License No. 302227 issued to Laurel S. Galletch;
- 12 2. Revoking or suspending Registered Nurse License No. 302227, issued to Laurel S.  
13 Galletch;
- 14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: October 11, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

16  
17  
18  
19 SF2012402133  
20 90260202.doc  
21  
22  
23  
24  
25  
26  
27  
28

---

## **Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2012-193**

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LAUREL S. GALLETTCH  
15035 Edgemoor St  
San Leandro, CA 94579

CASE No. 2012-193

OAH No. 2011110034

Registered Nurse License No. 302227

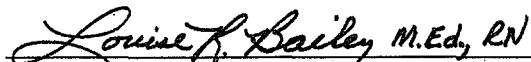
Respondent.

**NOTICE OF DECISION AND ORDER**

No action having been taken on the attached Proposed Decision,  
pursuant to Government Code section 11517(c)(2) the attached decision is  
hereby deemed adopted by operation of law on May 3, 2012.

Pursuant to Government Code section 11519, this Decision shall become  
effective on June 1, 2012.

Date: May 3, 2012.

  
Louise R. Bailey, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
SUCCESSOR TO THE BOARD OF REGISTERED NURSING  
STATE OF CALIFORNIA

In the Matter of the Accusation against:

LAUREL S. GALLETTCH,

Registered Nurse License No. 302227

Respondent.

Case No. 2012-193

OAH No. 2011110034

**PROPOSED DECISION**

Administrative Law Judge Jill Schlichtmann, State of California, Office of Administrative Hearings, heard this matter on January 9, 2012, in Oakland, California.

Kim Settles, Deputy Attorney General, represented complainant, the Department of Consumer Affairs (Department), successor to the Board of Registered Nursing (Board).

John Fleer, Attorney-at-Law, represented respondent who was present throughout the administrative hearing.

The matter was submitted for decision on January 9, 2012.

**FACTUAL FINDINGS**

1. On March 31, 1979, the Board issued Registered Nurse License No. 302227 to Laurel S. Galletch (respondent).

2. On September 29, 2011, Louise R. Bailey, M.Ed., R.N., brought the accusation in her official capacity as then Executive Officer of the Board. The Board ceased to exist on December 31, 2011. The Department is the successor in interest to the Board.

*Criminal Conviction*

3. On May 23, 2011, in the Superior Court of California, County of Santa Cruz, respondent was convicted of violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol content above the legal limit). Imposition of sentence was suspended

and a conditional sentence was granted for a period of five years on conditions that included serving five days in county jail or through the sheriff's work release program, completion of a nine-month drinking driver program, and the payment of various fines and fees. Although not ordered to do so as part of her sentence, respondent attended 60 Alcoholics Anonymous (AA) meetings following her arrest.

4. The facts underlying the conviction are that respondent was stopped by the California Highway Patrol after she was observed driving erratically. Respondent failed the field sobriety tests and displayed objective signs of alcohol intoxication. Respondent blood alcohol content was later determined to be 0.24 percent as the result of a breath test. At the time she was pulled over, respondent was driving home to San Leandro from the Santa Cruz area.

#### *Cost Recovery*

5. The Department of Justice has billed the Board \$1,982.50 for time spent on the investigation and enforcement of this matter. The amount of the costs is reasonable.

#### *Respondent's Evidence*

6. Respondent testified to ingesting three to four glasses of wine while attending a Super Bowl party prior to her arrest. She did not believe she was impaired when she began the drive to San Leandro. Respondent has completed the nine-month first offender drinking driver program, attended 60 AA meetings, performed the work release time and paid the fines and fees ordered in the criminal proceeding. Respondent does not consider herself to be an alcoholic. She reports drinking a couple of glasses of wine several nights each week. As a result of her conviction, and what she learned at AA and in the drinking driver classes, she has reduced her consumption of alcohol and has pledged not to drive after drinking any alcohol. Respondent is very remorseful about her decision to drive after consuming alcohol.

7. Respondent has been a registered nurse for over 30 years. She worked at Saint Francis Hospital in San Francisco for the first eight years of her career, where she was promoted to the position of charge nurse. She later worked at Kaiser Oakland for 10 years. During her time at Kaiser, she worked as a staff nurse in the medical renal unit, as a clinical nurse educator, and later, as the nurse manager of the hospital's new short stay unit. She remained a nurse manager of the unit for two to three years, when she was recruited to apply for a management position at Alta Bates Summit Medical Center. Respondent was hired to manage three hospital units: renal-metabolic, medical geriatric and dialysis. She has been at Alta Bates Summit Medical Center for the past 14 years. She is currently the nurse manager for the medical stroke unit and the orthopedic unit, which involves supervising staff nurses and staff performance, and ensuring the quality of care delivered to patients.

8. Respondent has never been disciplined at work or had discipline imposed on her license. For the last several years she has been rated as a "strong performer" in her annual performance evaluations. Respondent supervises and disciplines registered nurses who suffer from substance abuse and she takes this duty very seriously.

9. Respondent is currently on medical leave following three back surgeries. She is tentatively scheduled to return to work at the end of January 2012.

10. Scott Wendricks, R.N., testified on behalf of respondent. Wendricks is currently employed at Kaiser San Francisco as the service line director in critical care and cardiac services. He left Alta Bates Summit Medical Center in July 2011. From May 2008, until July 2011, Wendricks was respondent's direct supervisor and interacted with her on a daily basis. Wendricks has remained in periodic contact with respondent since changing employers. He considers respondent to be a highly competent nurse, possibly the best of the more than 50 nursing leaders he has supervised. Wendricks found respondent to be extremely dedicated to her job, cheerful, excellent at meeting deadlines, collaborative with team members, and caring of her staff. While he supervised respondent, she frequently asked for additional responsibilities and challenges. Wendricks never received a patient or co-worker complaint about respondent, nor has he ever had any concerns with her having an alcohol abuse problem, or her fitness for duty as a nurse. On the occasion Wendricks has socialized with respondent, he has never observed her to drink to excess.

11. Judith Sullivan, R.N., also testified on respondent's behalf. Sullivan worked at Kaiser Oakland from 1992 until 1997, and returned in 2004, as the Director of Nursing. Sullivan first met respondent at Kaiser Oakland during her interview in 2004. After being hired, Sullivan became respondent's supervisor. She supervised respondent again at Alta Bates Summit Medical Center until she retired in December 2010. Sullivan found respondent to be honest, to work well with staff and physicians, and to perform as a hardworking team player who met deadlines. Respondent was highly regarded at the hospital and her opinion was sought out by physicians and administrators. Sullivan never received a complaint from a patient or staff member regarding respondent being impaired. Sullivan has developed a friendship with respondent and sees her socially approximately once per month. She has seen respondent drink alcohol, but never to excess. Sullivan has never had any reason to believe that respondent has a substance abuse problem, and has no concerns with regard to respondent's ability to perform her job duties.

12. Respondent submitted a declaration under penalty of perjury from Maggie Gerk, R.N., M.P.A. Gerk supervised respondent for six years. During her supervision of respondent, Gerk observed respondent to build dynamic and responsive clinical teams that cared for their patients and for each other. Gerk considers respondent to be a strong communicator with excellent leadership skills. Gerk has observed respondent to possess very strong ethical and moral standards, deep knowledge of state and federal regulations, exceptional writing skills and a great sense of humor. Gerk considers respondent to be an outstanding nursing professional.

13. Angela Backers, a friend and professional acquaintance, submitted a letter in support of respondent. Backers has known respondent for approximately 10 years. Backers considers respondent to be an intelligent, kind, hard-working and compassionate nurse.

## LEGAL CONCLUSIONS

1. In an action seeking to impose discipline against the holder of a professional license, the burden of proof is on complainant to establish the charging allegations by clear and convincing evidence. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 957.)

2. Complainant asserts that respondent is subject to discipline pursuant to Business and Professions Code sections 490 (conviction of crime substantially related to qualifications, functions, or duties of profession), 2761, subdivision (f) (conviction of offense substantially related to duties, qualifications, and functions of registered nurse), and 2762, subdivisions (b) (use of alcoholic beverages, to an extent or in a manner dangerous or injurious to herself, any other person, or the public or to the extent that such use impairs her ability to conduct with safety to the public the practice authorized by her license), and (c) (conviction of a criminal offense involving consumption of alcoholic beverages).

Respondent argues that her single driving under the influence conviction is insufficient for the Board<sup>1</sup> to impose discipline on her license. Respondent disputes that her conviction is substantially related to the qualifications, functions, or duties of a registered nurse. The court in *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 770, however, noted:

Convictions involving alcohol consumption reflect a lack of sound professional and personal judgment that is relevant to a physician's fitness and competence to practice medicine. Alcohol consumption quickly affects normal driving ability, and driving under the influence of alcohol threatens personal safety and places the safety of the public in jeopardy. It further shows a disregard of medical knowledge concerning the effects of alcohol on vision, reaction time, motor skills, judgment, and coordination and memory, and the ability to judge speed, dimensions, and distance. [Citations omitted.]

The *Griffiths* court also found that driving while under the influence of alcohol shows a serious breach of the duty owed to society and such conduct by a physician endangers members of the public and tends to undermine public confidence and respect for the medical profession. (*Id.*, at p. 770.) Although the statute in the *Griffiths* case involved two or more drinking driver convictions, its logic is also applicable to a nurse with a single conviction. Moreover, sections 2762, subdivisions (b) and (c), reflect a legislative determination that an alcohol-related conviction demonstrates a danger to the public that is sufficiently related to the duties, qualifications, and functions of a registered nurse as to impose discipline. In this matter, respondent's blood alcohol content was three times the legal limit and she was planning to drive approximately 80 miles from the Santa Cruz area to her home in San Leandro. (Factual Findings 3 and 4.)

<sup>1</sup> Any reference to the Board is equally applicable to its successor in interest.

Respondent's offense is therefore substantially related to the qualifications, functions, and duties of the nursing profession. Her nursing license is subject to discipline under sections 490, 2761, subdivision (f), and 2762, subdivisions (b), and (c).

#### *Penalty Determination*

3. In determining the appropriate penalty, public safety is the Board's paramount concern. Pursuant to the Board's disciplinary guidelines (Cal. Code Regs., tit. 16, § 1444.5), respondent will be placed on probation for three years. Where a licensee has been convicted of an alcohol-related offense, the Board's disciplinary guidelines typically include probation conditions that require the licensee to undergo substance abuse treatment and rehabilitation, including physical and mental health examinations, drug testing, and that the licensee abstain from the use of alcohol and/or drugs. Under the circumstances of this case, and bearing in mind that respondent has no prior history of discipline, alcohol abuse, or impaired functioning as a nurse, complainant has not shown that those terms of probation are appropriate.

No discipline has previously been imposed on respondent's license. She has positive references and evaluations for her nursing work. Her offense, although within the substantial relationship test for the imposition of discipline, did not have a direct impact on her patients or her practice of nursing. She acknowledges, takes responsibility for, and has learned from her offense. Respondent to date has complied with the terms of her court probation. (Factual Findings 6 through 13.)

4. Complainant has requested that respondent be ordered to reimburse the Board for the costs of investigating and enforcing the accusation. Business and Professions Code section 125.3 provides that respondent may be ordered to pay the Board "a sum not to exceed the reasonable costs of the investigation and enforcement of the case." The Board reasonably incurred costs of investigation and enforcement in the amount of \$1,982.50. (Factual Finding 5.) In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth the guidelines for the determining whether the costs should be assessed in the particular circumstances of each case. Respondent has not established a basis to reduce or eliminate the costs.

#### ORDER

Registered Nurse License No. 302227 issued to respondent Laurel S. Galletch is revoked. However, the revocation is stayed and respondent is placed on probation for three years on the following conditions.

Each condition of probation contained herein is a separate and distinct condition. If any condition of this order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this order, and all other applications thereof, shall not be affected. Each condition of this order shall separately be valid and enforceable to the fullest extent permitted by law.



(1) **OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**CRIMINAL COURT ORDERS:** If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) **COMPLY WITH THE BOARD'S PROBATION PROGRAM** - Respondent shall fully comply with the conditions of the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Board's probation program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

(3) **REPORT IN PERSON** - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) **RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE** - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

(5) **SUBMIT WRITTEN REPORTS** - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

2017 JAN 24 AM 10:22

RECEIVED

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

**(6) FUNCTION AS A REGISTERED NURSE** - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

**(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS** -

Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

**(8) SUPERVISION** - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.
- (d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by respondent with or without respondent present.

**(9) EMPLOYMENT LIMITATIONS** - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

2012 JAN 24 AM 10:22

73A1301

(10) **COMPLETE A NURSING COURSE** - Respondent, at her own expense, shall enroll and successfully complete a course relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course. Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course. The Board shall return the original documents to respondent after photocopying them for its records.

(11) **COST RECOVERY** - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,982.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation will apply.

(12) **VIOLATION OF PROBATION** - If respondent violates the conditions of her probation, the Board after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline revocation of her license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against her license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

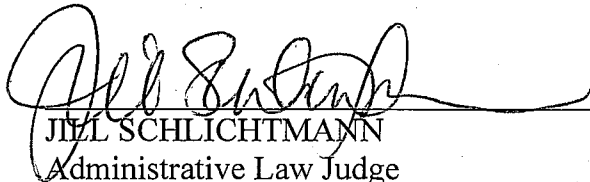
(13) **LICENSE SURRENDER** - During respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

DATED: 1/20/12



JILL SCHLICHTMANN

Administrative Law Judge

Office of Administrative Hearings

RECEIVED  
BOARD OF  
REGISTERED NURSING  
SACRAMENTO

2012 JAN 24 AM 10:22

RECEIVED

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES  
Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

Case No. 2012-193

13 **LAUREL S. GALLETCH**  
15035 Edgemoor Street  
14 San Leandro, CA 94579  
Registered Nurse License No. 302227

**ACCUSATION**

15  
16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about March 31, 1979, the Board of Registered Nursing issued Registered  
24 Nurse License Number 302227 to Laurel S. Galletch (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought in this Accusation  
26 and will expire on October 31, 2012, unless renewed.  
27  
28

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

## STATUTORY PROVISIONS

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public.

“(c) Be convicted of a criminal offense involving the consumption of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.”

8. Section 490 of the Code provides, in pertinent part, that a Board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

## COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct/Use of Alcohol)**

10. Respondent has subjected her license to disciplinary action under section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in 2762, subdivision (b), in that on or about February 6, 2011, she drove a vehicle while under the influence of alcohol. A breath test revealed that Respondent had a blood alcohol content of 0.24%, which is three times the legal limit.

## SECOND CAUSE FOR DISCIPLINE

**(Conviction of a Crime)**

11. Respondent has subjected her license to disciplinary action under sections 2761, subdivision (f), and 490, in that on May 23, 2011, she was convicted by the court on her plea of nolo contendere of a violation of Vehicle Code section 23152, subdivision (b) (driving while having a 0.08% or higher blood alcohol content) in Santa Cruz County Superior Court, Case No. M58660, entitled *People v. Laurel Susan Galletch*. The circumstances of the crime are set forth in paragraph 10. above.



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Offense Involving Use of Dangerous Drug/Alcohol)**

3 12. Respondent has subjected her license to disciplinary action under section 2761,  
4 subdivision (a), on the grounds of unprofessional conduct as defined by Code section 2762,  
5 subsection (c), by virtue of the conviction set forth in paragraph 11, above.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
8 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 302227, issued to  
10 Laurel S. Galletch;

11 2. Ordering Laurel S. Galletch to pay the Board of Registered Nursing the reasonable  
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
13 Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: September 29, 2011

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26 SF2011900212  
27 90185675.doc  
28